

December 27, 2000

Ms. Linda Bruemmer, Manager
Section of Asbestos, Indoor Air, Lead and Radiation
Division of Environmental Health
Minnesota Department of Health
121 E. Seventh Place, Suite 220
P.O. Box 64975
St. Paul, MN 55164-0975

Dear Ms. Bruemmer:

To assist us in the development of planning assumptions to support our Fiscal Year 2002 and 2003 budgets and to support your request for an agreement, we are requesting updated information regarding your plans to enter into an Agreement with the Nuclear Regulatory Commission (NRC). (We request an update at six-month intervals.) In particular, we need your target date for submitting a complete draft application package for NRC staff review.

I have enclosed a projected schedule for processing of the Minnesota Agreement to assist you in planning. This schedule was prepared based on Appendix C-1 of STP Procedure SA-700, "Processing an Agreement," which can be viewed at the STP web site at <http://www.hsr.d.ornl.gov/nrc/procedures/sa700.pdf>. Our projections, based on your need to have an effective Agreement in place by August 1, 2002, show that to meet the August 1, 2002 effective date, you should submit a draft application to this office by the middle of June 2001.

We plan to use a two-step process to review your request for an Agreement. We expect to provide you the results of our completeness review six weeks after receipt of your draft application. Assuming there are no major unresolved issues, our formal assessment process, including opportunities for public comment, should be complete within nine months of receipt of the governor's formal request. The Agreement is usually made effective one month following the date of approval or signature to provide for an orderly transition in regulatory authority (e.g., to transfer license and inspection files). The proposed effective date of July 1, 2002 would leave 30 days contingency or reserve before August 1, 2002 in the event it is needed.

Please review the projected schedule and inform us whether you expect to prepare and submit a complete draft application by the middle of June 2001. If you have any questions concerning our projections and process, please contact me at (301) 415-2325 or Ms. Cardelia Maupin of my staff at (301) 415-2312 or Internet: CHM@NRC.GOV.

Sincerely,

/RA/ by James H. Myers for
Frederick C. Combs, Deputy Director
Office of State and Tribal Programs

Enclosure:
As stated

Linda Bruemmer

Distribution:

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DCD (SP07)
PDR (YES✓)

*See previous concurrence

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PROCESSING SCHEDULE FOR MINNESOTA AGREEMENT¹

EVENT	EVENT TIME (weeks)	ELAPSED TIME (weeks)	DATE
Part 1 - Review of the Request for an Agreement (24 weeks)			
Minnesota Program notifies the Office of State and Tribal Programs (STP) that a Draft Request will be submitted (2 months prior to submittal)			4/23/01
STP establishes NRC Review Team (Team established between notification and receipt of draft request)			5/21/01
STP receives draft request ² from Minnesota Program	0	0	6/18/01
NRC Review Team concludes completeness review	3	3	7/9/01
NRC Review Team provides any comments resulting from the completeness review to Minnesota Program ³	3	6	7/30/01
NRC Chairman receives formal request from Governor of Minnesota	8	14	9/24/01
NRC Review Team completes review of formal request ⁴	8	22	11/19/01
NRC Review Team completes negative consent Commission Paper, including draft staff assessment and FR notice	2	24	12/03/01
Part 2 - FR publication & public comment period (16 weeks)			
NRC Offices concur on Commission Paper	3	27	12/24/01
EDO sends Paper to Commission	2 ⁵	29	1/14/02
Commission gives negative consent	2	31	1/28/02
First publication in FR	1	32	2/4/02
Public comment period ends	4	36	3/4/02
NRC Review Team analyzes comments; completes final assessment and Commission paper	4	40	4/1/02
Part 3 - Final processing and Commission approval (13 weeks)			
NRC Offices concur on final assessment and paper	3	43	4/22/02
EDO signs paper	2	45	5/06/02
Commission SRM approving Agreement (includes arrangements for signing Agreement)	4	49	6/3/02
Effective date of Agreement	4	53	7/1/02

¹ The Minnesota's legislation requires the Agreement to be in place by August 1, 2002. The legislation states: "The governor may not enter into an initial agreement with the NRC after August 1, 2002. If an agreement is not entered into by August 1, 2002, any rules adopted under this section are repealed effective August 1, 2002." This schedule provides an approximate 30 day window for completion of the Minnesota Agreement process.

² presumes a two month alert by State, allowing four weeks to establish the NRC staff review team

³ presumes two week office concurrence

⁴ presumes no unresolved issues

⁵ The schedule was slightly modified to reflect the Federal holidays occurring during this period.